05 1217 OS 1217 (JS) MICHAEL MAG. ORENSTEIN

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS S & L Vitamins, Inc.

DEFENDANTS California Tan, Inc.

(b) County of Residence of First Listed Plaintiff Suffolk
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Marion County, Indiana
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

SEYBERT, J.

FILED IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y. ★ MAR - 4 2005 ★ BROOKLYN OFFICE

(c) Attorney's (Firm Name, Address, and Telephone Number
Ronald D. Coleman (RC 3875)
COLEMAN LAW FIRM a Professional Corporation
410 Park Ave. -- 15th Floor New York, NY 10022 (212) 752-9500

Attorneys (If Known)

ORENSTEIN, M.J.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- G 1 U.S. Government Plaintiff
- X 3 Federal Question (U.S. Government Not a Party)
- G 2 U.S. Government Defendant
- G 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	X 1	G 1	Incorporated or Principal Place of Business In This State	G 4	G 4
Citizen of Another State	G 2	X 2	Incorporated and Principal of Business In Another State	G 5	G 5
Citizen or Subject of a Foreign Country	G 3	G 3	Foreign Nation	G 6	G 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- G 110 Insurance
- G 120 Marine
- G 130 Miller Act
- G 140 Negotiable Instrument
- G 150 Recovery of Overpayment & Enforcement of Judgment
- G 151 Medicare Act
- G 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- G 153 Recovery of Overpayment of Veteran's Benefits
- G 160 Stockholders' Suits
- G 190 Other Contract
- G 195 Contract Product Liability

TORTS — PERSONAL INJURY
- G 310 Airplane
- G 315 Airplane Product Liability
- G 320 Assault, Libel & Slander
- G 330 Federal Employers' Liability
- G 340 Marine
- G 345 Marine Product Liability
- G 350 Motor Vehicle
- G 355 Motor Vehicle Product Liability
- G 360 Other Personal Injury

PERSONAL INJURY
- G 362 Personal Injury—Med. Malpractice
- G 365 Personal Injury — Product Liability
- G 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- G 370 Other Fraud
- G 371 Truth in Lending
- G 380 Other Personal Property Damage
- G 385 Property Damage Product Liability

FORFEITURE/PENALTY
- G 610 Agriculture
- G 620 Other Food & Drug
- G 625 Drug Related Seizure of Property 21 USC 881
- G 630 Liquor Laws
- G 640 R.R. & Truck
- G 650 Airline Regs.
- G 660 Occupational Safety/Health
- G 690 Other

BANKRUPTCY
- G 422 Appeal 28 USC 158
- G 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- G 820 Copyrights
- G 830 Patent
- X 840 Trademark

OTHER STATUTES
- G 400 State Reapportionment
- G 410 Antitrust
- G 430 Banks and Banking
- G 450 Commerce/ICC Rates/etc.
- G 460 Deportation
- G 470 Racketeer Influenced and Corrupt Organizations
- G 810 Selective Service
- G 850 Securities/Commodities/ Exchange
- G 875 Customer Challenge 12 USC 3410
- G 891 Agricultural Acts
- G 892 Economic Stabilization Act
- G 893 Environmental Matters
- G 894 Energy Allocation Act
- G 895 Freedom of Information Act
- G 900Appeal of Fee Determination Under Equal Access to Justice
- G 950 Constitutionality of State Statutes
- G 890 Other Statutory Actions

LABOR
- G 710 Fair Labor Standards Act
- G 720 Labor/Mgmt. Relations
- G 730 Labor/Mgmt.Reporting & Disclosure Act
- G 740 Railway Labor Act
- G 790 Other Labor Litigation
- G 791 Empl. Ret. Inc. Security Act

SOCIAL SECURITY
- G 861 HIA (1395ff)
- G 862 Black Lung (923)
- G 863 DIWC/DIWW (405(g))
- G 864 SSID Title XVI
- G 865 RSI (405(g))

FEDERAL TAX SUITS
- G 870 Taxes (U.S. Plaintiff or Defendant)
- G 871 IRS—Third Party 26 USC 7609

REAL PROPERTY
- G 210 Land Condemnation
- G 220 Foreclosure
- G 230 Rent Lease & Ejectment
- G 240 Torts to Land
- G 245 Tort Product Liability
- G 290 All Other Real Property

CIVIL RIGHTS
- G 441 Voting
- G 442 Employment
- G 443 Housing/ Accommodations
- G 444 Welfare
- G 440 Other Civil Rights

PRISONER PETITIONS
- G 510 Motions to Vacate Sentence Habeas Corpus:
- G 530 General
- G 535 Death Penalty
- G 540 Mandamus & Other
- G 550 Civil Rights
- G 555 Prison Condition

S & L Vitamins, Inc. v. Australian Gold, Inc. Doc. 1 Att. 1

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

X 1 Original Proceeding | G 2 Removed from State Court | G 3 Remanded from Appellate Court | G 4 Reinstated or Reopened | G 5 Transferred from another district (specify) | G 6 Multidistrict Litigation | G 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

~~28 U.S.C. §2201,~~

VII. REQUESTED IN COMPLAINT: G CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** G Yes G No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE March 4, 2005 SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

ARBITRATION CERTIFICATION

I,__________________________, counsel for ______________________ ____________do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of $150,000 exclusive of interest and costs.

____X____ Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

___________None____

Did the cause arise in Nassau or Suffolk County? Yes

If answered yes, please indicate which county. Suffolk

County of residence of plaintiff(s) (1)Suffolk
(2)____________________
(3)____________________

County of residence of defendant(s) (1)Marion County, Indiana
(2)____________________
(3)____________________

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes X **No_________**

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes_________(If yes, please explain) **No X**

____

____

Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the first four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.
(This information must be provided pursuant to local rule 11.1(b) of the civil rules).
ATTORNEY BAR CODE: RC-3875

E-MAIL Address: rcoleman@coleman-firm.com

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

Signature: ____